

STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

ANDREW M. CUOMO
Attorney General

August 11, 2008

LESLIE G. LEACH
Executive Deputy Attorney General
Division of State Counsel

JUNE DUFFY
Assistant Attorney General in Charge
Litigation Bureau

Hon. Richard J. Sullivan
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Cadlett v Officer Scott, et. al.
07CV6795(RJS)

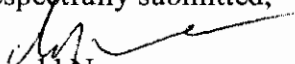
Dear Judge Sullivan:

During our June 20, 2008 status conference, defendants stated that they would inform the Court about whether they would request a pre-motion conference in anticipation of a motion for judgment on the pleadings pursuant to Fed. R. Civ.P. 12(c). This Section 1983 civil rights action alleges constitutional violations arising out of plaintiff's continued incarceration beyond his maximum expiration ("ME") date.

Defendants reviewed our file and determined that we will not make a motion to dismiss on the pleadings. Defendants anticipate making a summary judgment motion at the conclusion of discovery. The parties are in the discovery process, including exchange of disclosures pursuant to Fed. R. Civ. P. 26(a)(1), production of documents and service of interrogatories.

With the consent of the office of plaintiff's counsel, Michael R. Scolnick, defendants respectfully request an enlargement of time from September 19, 2008 until October 17, 2008 to complete depositions, which is within the October 29th discovery cutoff date. An extension is being requested because of scheduled depositions in Davis v Goord, et. al., 07CV7309(AJP) which must be completed by September 12th after I return from vacation on September 3rd. No previous requests have been made for such an extension.

Respectfully submitted,


Donald Nowve
Assistant Attorney General
(212)416-8227

c: Via Fax (845)365-1506
Attorney Michael R. Scolnick, P.C.

*Request granted
Depositions shall
be completed by
October 17, 2008.
All other dates
set forth in the
Case Management
Plan and scheduling
order shall remain
in effect.*